



0267-001-1415CIP9

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of : Steve Campolo et al.  
Serial No. : 09/812,288  
Filed : March 20, 2001  
For : Circuit Interrupting Device With Reset Lockout And  
Reverse Wiring Protection And Method Of Manufacture  
Examiner : Donovan, Lincoln D.  
Art Unit : 2832

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

This is in reply to the Office Action dated November 30, 2004 on the above  
referenced case. The term for reply, including a three month extension, is set to expire  
May 30, 2005.

SEARCHED  
SERIALIZED  
INDEXED  
FILED - MARCH 31 2005  
U.S. PATENT AND TRADEMARK OFFICE

required to make this amendment timely and is hereby authorized to charge any fee for such an extension of time or credit an overpayment for an extension of time to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc.

Respectfully submitted,

  
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Attorney for Applicants  
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Date: May 18, 2005

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New York, NY 10166

mechanism for the two springs is located in the top face of the housing for the circuit breaker.

Thus, Benek discloses the structure of two springs for opening the contacts of a circuit breaker, not a GFCI. Therefore, to pretrip Benek as suggested by the Examiner means only that the contacts of the circuit breaker are opened and that they can be closed at any time, even when the circuit breaker is not operating properly. In counter distinction, when our invention is in its tripped state, the contacts cannot be closed when the circuit interrupting portion is not operating properly. When our device is tripped it cannot be set to its conducting state unless the circuit interrupting portion of the GFCI is operating properly. This is totally different from pretripping or opening the contacts of a circuit breaker as disclosed by Benek. As noted above, with Benek, when the circuit breaker is not operating properly and it is pretripped, its contacts can still be closed and the circuit breaker can still conduct. Clearly, Benek cannot be set to a reset lock out state as disclosed and claimed by us.

There is a substantial difference between a circuit breaker that is pretripped as disclosed by Benek; and a GFCI that is tripped as disclosed and claimed by us.

Our claims avoids the Benek reference by reciting the steps of...receiving for distribution a circuit interrupting device having a reset lockout portion, manual trip and reverse wiring protection manufactured in a tripped state and placing the circuit interrupting device in the stream of commerce while in the tripped state.

It is our understanding that claims 3, 4 and 6 - 18 clearly avoid the art of record and, therefore, are now believed to be in condition for allowance.

Early and favorable reconsideration is respectfully requested. The Commissioner is hereby authorized to charge any fees which may be required for the amendment, or credit any overpayment to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc.

In the event that an extension of time is required to make this amendment timely filed, the Commissioner is requested to grant a petition for that extension of time which is

PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

09812288

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	minus 20 =	*
INDEPENDENT CLAIMS	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

\* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	17	Minus	29	=
Independent	10	Minus	4	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

1,2,3,6,8, 10, 13, 14, 17, 18,

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	Minus	**	=	
Independent	Minus	***	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	Minus	**	=	
Independent	Minus	***	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

SMALL ENTITY  
TYPE

OTHER THAN  
OR SMALL ENTITY

RATE	FEES
BASIC FEE	150.00
X\$ 25=	
X100=	
+180=	
TOTAL	

RATE	FEES
BASIC FEE	300.00
X\$50=	
X200=	
+360=	
TOTAL	

SMALL ENTITY OR OTHER THAN  
OR SMALL ENTITY

RATE	ADDI- TIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDT. FEE	

RATE	ADDI- TIONAL FEE
X\$50=	
X200=	1200
+360=	
TOTAL ADDT. FEE	1200

RATE	ADDI- TIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDT. FEE	

RATE	ADDI- TIONAL FEE
X\$50=	
X200=	
+360=	
TOTAL ADDT. FEE	

RATE	ADDI- TIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDT. FEE	

RATE	ADDI- TIONAL FEE
X\$50=	
X200=	
+360=	
TOTAL ADDT. FEE	